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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,487	01/28/2000	Andrew Sharp	34648/00430USPX	2310
7590	12/15/2004		EXAMINER	
Jenkens & Gilchrist 1445 Ross Avenue, Suite 3200 Dallas, TX 75202			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/493,487	SHARP ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tu X Nguyen	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 September 2004.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-38, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38, 40 and 41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments with respect to claims 1, 15 and 40-41, have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-38 and 40-41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintulampi (US Patent 6,377,804) in view of Rinne et al. (US Pub. 2001/0046863).

Regarding claims 1 and 41, Lintulampi discloses a communication system comprising:

a UMTS network is capable of handling a first number of communications between a mobile user equipment (see col.3 lines 15-35),

a GSM network is capable of handling a second number of communications between a mobile user equipment (see col.2 lines 32-35), and

wherein at least one of the mobile user equipment and the communication system contain at least one means for evaluating if a handover between the UMTS

material and GSM material should be effectuated (see par.3 lines 62-64 and col.4 lines 47-50, see par.6 lines 4-7) and

at least one means (see col.4 lines 40-64. "the request quality of service" corresponding to "at least one means") for selecting (see col.3 lines 51-64), in the case that the handover is necessary, which communication or communications are handed over and

at least one means for executing the at least one decision (see col.6 lines 4-7, "the MS then automatically" (mobile device or network system inherently includes programmable software and/or Micro controller switching circuit reads on "one means").

Lintulampi fails to disclose "simultaneous communications".

Rinne et al. disclose "simultaneous communications" (see par.0102). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lintulampi with the above teaching of Rinne et al. in order to provide tunnels between two networks by determining a new route between the anchor controller and a new active radio network controller so that the previous active radio network control is bypassed (as suggested by Rinne et al., see par.029 and 072).

Regarding claims 15 and 40, the modified Lintulampi discloses everything as claim 1 above. More specifically, the modified Lintulampi disclose a method for managing a communication system, with at least two different access networks, wherein a first access network is capable of handling a first number of communications between a mobile user equipment and the first access network, and wherein a second access network is capable of handling a second number of communications between the

mobile user equipment and the second access network (see Lintulampi, col.3 lines 15-65), said method comprising the steps of:

Evaluating if a handover from the first access network to the second access network should be effected (see Lintulampi, par.3 lines 62-64 and col.4 lines 47-50, see par.6 lines 4-7); and

Selecting, in the case of the handover is necessary, which communication for communications are handed over (see Lintulampi, col.3 lines 51-64).

Regarding claim 2, the modified Lintulampi discloses at least one means for determining a capability of at least one of the UMTS and GSM networks (see Lintulampi, col.6 lines 4-7).

Regarding claims 3 and 5, the modified Lintulampi discloses the means for determining the capability is located in a core network (see Lintulampi, col.3 lines 44-50 and col.4 lines 47-49).

Regarding claim 4, 7-8, the modified Lintulampi discloses at least one of the UMTS and GSM network contains the means for executing the at least one decision (see Lintulampi, col.5 lines 64-66).

Regarding claim 6 and 9-11, the modified Lintulampi discloses the mobile user equipment contains the means for executing the at least one decision (see Lintulampi, col.6 lines 4-6).

Regarding claims 12 and 14, the modified Lintulampi discloses the device is located in at least one of the UMTS and GSM network (see Lintulampi, fig.1).

Regarding claim 13, the modified Lintulampi discloses the device is located in a radio network controller (see Lintulampi, col.3 lines 44-50, "BSS" has BTS, and BSC which corresponds to RNC).

Regarding claims 16-17, the modified Lintulampi discloses an access network sends a handover query to the mobile user equipment (see Lintulampi, fig.4 a,b and col.3 line 44 through col.4 line 64).

Regarding claim 18, the modified Lintulampi discloses the core network adds information about a communication or communications which can be supported (see Lintulampi, col.3 lines 44 through col.4 line 64).

Regarding claim 19, the modified Lintulampi discloses enabling a mobile user to decide whether the communication or the communications should be handed over to the second access network (see Lintulampi, col.5 line 64 through col.6 line 14).

Regarding claim 20, the modified Lintulampi discloses the mobile user equipment informs the access network about the communication or the communications which should be handed over to the second access network (see Lintulampi, col.4 lines 44-64).

Regarding claims 21 and 23, the modified Lintulampi discloses the mobile user equipment receives a handover query for handover toward the second access network, then the mobile user equipment disconnects all connections that cannot be kept in the second access network (see Lintulampi col.4 lines 55-59).

Regarding claim 22, the modified Lintulampi discloses the core network decides which communication or communications should be handed over to the second access network (see Lintulampi, col.3 lines 44-50 and col.4 lines 45-46).

Regarding claims 24-26, the modified Lintulampi discloses the presettings are located within a mobile user equipment (see Lintulampi, col.3 lines 15-50 and col.4 lines 40-46, “QoS parameters” corresponds to “presetting”).

Regarding claim 27, the modified Lintulampi discloses a message which depends on the presettings is sent to the core network after the core network has sent a request to the mobile user equipment (see c Lintulampi, ol.4 lines 40-65).

Regarding claim 28, the modified Lintulampi discloses the presettings are stored within at least one of an access network and a core network (see Lintulampi, col.3 lines 44-64, and col.4 lines 44-46, QoS parameters corresponds to presettings with the broadest interpretation).

Regarding claim 31, the modified Lintulampi discloses the presettings can be different for different categories of communications (see Lintulampi, col.3-4, service parameters of each different network corresponds to different categories).

Regarding claim 32, the modified Lintulampi discloses the presettings can be different priorities for different communications (see Lintulampi, col.4 lines 44-45, QoS parameters reads on priorities).

Regarding claim 33, the modified Lintulampi discloses the presettings are defined and modified by an operator (see Lintulampi, col.3 lines 49-50).

Regarding claim 34, the modified Lintulampi discloses the presettings are defined and modified by a mobile user (see Lintulampi, col.4 lines 44-46).

Regarding claim 38, the modified Lintulampi discloses the mobile user equipment contains an indicator that an intersystem handover is needed (see Lintulampi, col.3 lines 40-45).

Regarding claims 29-30, the modified Lintulampi fail to mention the presetting can be different/identical for each mobile user. The examiner takes an Official notice that It would have been obvious to one of ordinary skill in the art at the time the invention was made the concept million of mobile user some are different and some are identical and being categorized in a database are well know in the art in order to provide different purposes such as saving memory space, consumer categories, etc.

Regarding claim 35-37, the modified Lintulampi discloses "holding at least one of the communication before an intersystem handover; and maintaining said at least one of the communications on hold during and after the intersystem handover" (see Rinne et al. par.0093).

### Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 703-305-3427. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

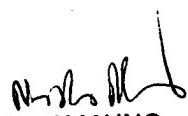
**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



November 17, 2004



NAY MAUNG  
SUPERVISORY PATENT EXAMINER